NE/S Woodsyde Court, 900' +/-

\* DEPUTY ZONING COMMISSIONER (12145 Woodsyde Court) 4th Election District \* OF BALTIMORE COUNTY

Jeffrey S. Fram, et ux

3rd Councilmanic District Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

\* Case No. 89-23-A

The Petitioners herein request a variance to permit a left side setback of 40 feet in lieu of the required 50 feet and to amend the final development plan for Woodsyde Heights, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were James McKee, Professional Land Surveyor, and James D. Gramer, Project Manager, both with McKee and Associates, Inc. Mr. David Abramoff, an adjoining property owner, appeared to support a variance to

the left side rather than the right side. There were no Protestants.

Testimony indicated that the subject property, known as 12145 Woodsyde Court and zoned R.C. 5, is an unimproved building lot known as Lot 30 of Woodsyde Heights. The Petitioners purchased the subject property in December 1987. After much planning and consultation with architects, the Petitioners have designed a home which is compatible with the neighborhood but due to the shape of the building envelope and the location of the septic system, the proposed dwelling cannot be built without the requested variance. The Petitioners originally planned to locate their home in such a manner that a variance would be needed on the right side; however, after posting the property and learning of the objection of Mr. Abramoff as to the variance adjoining his property, the Petitioners modified their plans so that the variance would be on the left side and filed an amended Petition for Zoning Variance.

The Petitioners testified that they contacted the adjoining property owner on the left who indicated he had no objection to their request. To support their position, the Petitioners introduced as Petitioner's Exhibit 2, a letter dated July 14, 1988 addressed to J. Robert Haines from Erwin Warranch requesting a modification for the side variance from the right to the left. It was determined that the property would be reposted for a public hearing on August 9, 1988 to give any potential Protestant an opportunity to be heard. No one, other than the Petitioners, by Mrs. Fram, appeared at the second hearing.

Mr. Abramoff appeared at the first hearing and indicated that he would have no objection to the proposed variance provided it was located on the left side of Petitioners' property.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_day of August, 1988 that the Petition for Zoning Variance to permit a left side setback of 40 feet in lieu of the required 50 feet and to amend the final development plan for Woodsyde Heights, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > M Nastaroure ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

AMN:bjs Enclosure cc: Mr. David Abramoff

Baltimore County

**1347333** 

J. Robert Haines

Office of Planning & Zoning

Mr. & Mrs. Jeffrey S. Fram

Baltimore, Maryland 21208

Case No. 89-23-A

Dear Mr. & Mrs. Fram:

RE: PETITION FOR ZONING VARIANCE

(12145 Woodsyde Court)

dance with the attached Order.

People's Counsel

NE/S Woodsyde Court, 900' +/- N of Henson Garth

4th Election District; 3rd Councilmanic District

3105 Old Post Drive

Towson, Maryland 21204

Deputy Zoning Commissioner for Baltimore County

ANN M. NASTAROWICZ

A Mico houra

Very truly yours,

August 10, 1988

Enclosed please find the decision rendered on the above-refer-

In the event the decision rendered is unfavorable to any party,

enced case. The Petition for Zoning Variance has been granted in accor-

please be advised that any party may file an appeal within thirty (30)

days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel

free to contact our Appeals Clerk at 494-3391.

Dennis F. Rasmussen

AMENDED PETITIC, FOR ZONING VA. ANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3B.3 to allow for a 40 foot left side setback in lieu

of the required 50 feet and to amend the final development plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The existing building envelope is too small to accomodate the proposed dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Jeffrey S. Fram (Type or Print Name) Signature (Type or Print Name) Jum D. Fram

Legal Owner(s):

City and State Attorney for Petitioner:

Contract Purchaser:

365-2093 3105 Old Post Drive (Type or Print Name) Baltimore, Maryland 21208 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted McKee & Associates, Inc. Name 5 Shawan Road

Hunt Valley, Maryland 21030 252-5820 ORDERED By The Zoning Commissioner of Baltimore County, this 20th day

19\_82, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

EUROPEAN MARBLE DESIGN, INC. SUPPLIERS • INSTALLERS • FABRICATORS • DESIGNERS OF THE FINEST MARBLES, GRANITES & CERAMICS

July 11, 1988.

Mr. J. Robert Hanes Commissioner Baltimore County Office Bldg. 11 W. Chesapeake Ave. Room #109 Towson, MD 21204

RE: Petition for Zoning Variance 12145 Woodsyde Court Lot 30 Section 4 Woodsyde Heights Zoning Item #406

With regards to requested variance for Lot #30 Section 4, Woodsyde Heights, a variance from Section 1A04.3B.3 of the Baltimore County Zoning Manual to allow for a 40 ft. left set back in lieu of the

As described above, this is acceptable and I will not object to this variance being passed.

Sworn and Subscribed to before m 

9-F GWYNNS MILL COURT / OWINGS MILLS, MARYLAND 21117 (301) 363-2093 TELEX 87770 BAL

FAX 301-667-1867

Lot Owner #31

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030 Telephone: (301) 252-5820

July 18, 1988

Mr. J. Robert Haines Zoning Commissioner Baltimore County Office Building 111 W. Chesapeake Avenue Room 109 Towson, Maryland 21204

Re: Petition for Zoning Variance 12145 Woodsyde Court Lot 30, Section 4 Woodsyde Heights Zoning Item Number 406

Dear Mr. Haines:

Enclosed are copies of the revised variance package items for the Variance Hearing scheduled for Wednesday, July 20, 1988, at 2:00 p.m.. The variance has been revised to allow for a 40 foot left sideyard instead of the previously requested 40 foot right sideyard. Also, enclosed is a letter signed by Mr. Irwin Waranch the owner of Lot 31 which is the lot to the left of Lot 30.

We are requesting the change in the variance due to the objection of the owner of Lot 29 to having the proposed dwelling situated to close to his proposed dwelling.

We would appreciate your consideration in allowing this change at the hearing.

Thank you for your consideration in this matter. Should you have any questions or require additional information, please do not hesitate to contact

> McKEE & ASSOCIATES, INC. Jaws D. Grammum
> D. Gramer

Very truly yours,

enclosures JDG: DECK

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development HUNT VALLEY, MARYLAND 21030 SHAWAN PLACE, 5 SHAWAN ROAD Telephone: (301) 252-5820

May 2, 1988

DESCRIPTION OF LOT 30. SECTION 4 WOODSTDE HEIGHTS 12145 WOODSYDE COURT FOURTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeastern most right-of-way line of Woodsyde Court (50.00 feet wide) at a distance of 900 feet + from the northeastern most corner of Woodsyde Court and Heneson Garth (50.00 feet wide) thence running with and binding on the northern most right-of-way line of Heneson Garth by a curve to the left having a radius of 50,00 feet and an arc length of 38.08 feet to a point, thence leaving said right-of-way and running North 65° 09' 43" West 75.37 feet to a point, thence by a curve to the right having a radius of 25.00 feet and an arc length of 32.30 feet to a point, thence North 08° 52' 06" East 242.87 feet to a point, thence North 87° 53' 25" East 211.13 feet to a point, thence South 220 45' 52" West 332.54 feet to the point of beginning. Containing 1.1265 acres of land, more or less.

Being known as lot 30 as shown on a plat of Section 4, Woodsyde Heights and recorded among the land records of Baltimore County in Plat Book 55, folio

To Whom It May Concern:

required 50 ft. set back.

Notary Public

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
1. Nexas / Meller O Ben 1	1
I DO	Hunt Valley Med.
Jim McKee / McKer & ASSOC. Inc.  JAMES D'ERAMMER /MCKEE & ASSOC  Summ D FORM	C/WC
Chunn D Fram	3105 ald Post Dring 2120
1// 00	3105 Old Post Drive 2120
John & Dran	3105 OLD PUST PRIVE 21208
:	To The Colors
-	
<u> </u>	
·	
_	

Fire Department
Towson, Maryland 21204-2586

Paul H. Reincke

Towson, MD 21204

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Re: Property Owner: Jeffrey S. Fram, et ux

Location: NE/S Woodsyde Ct. 900 +- N. Heneson Garth Item No.: 406

Zoning Agenda: Meeting of 5/17/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

May 13, 1988

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( x ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 11, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204

State Roads Commissio

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Bureau of

Bureau of

Industrial

Mr. & Mrs. Jeffrey S. Fram 3105 Old Post Drive Baltimore, Maryland 21205

> RE: Item No. 406 - Case No. 89-23-A Petitioner: Jeffrey S. Fram, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Fram: Department of Traffic Engineering

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James & Wheeldt JAMES E. DYER Zoning Plans Advisory Committee

JED:dt

Enclosures

**Rultimore County** Department of Prolic Works Bureau of Traffic Engineering Courts Building, Suite 405 Towner, Maryland 21204 494-3554

June 23, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 399, 400, 402, 404, 405, 406) and 407.

> Very truly yours. Assistant Traffic Engineer

SEW/RF/pm1-b

89-23-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Jeffrey S. Fram, et ux Attorney

Advisory Committee

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-23-X NE/S Woodsyde Court, 900's N Henson Garth (12145 Woodsyde Court) 4th Election District - 3rd Councilmanic Petitioner(s): Jeffrey S. Fram, et ux HEARING SCHEDULED: WEDNESDAY, JULY 20, 1988 at 2:00 p.m.

VARIANCE to allow for a 40 foot right side setbac in lieu of the required 50 feet and to amend the final development plan of Woodsyde Heights, Section Four, Lot 30, to allow construction outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

Date: 6-24-88

Mr. & Mrs. Jeffery S. Fram 3105 Old Post Drive Baltimore, Raryland 21208

Res Petition for Zoning Variance CASE NUMBER: 89-23-X NE/S Woodsyde Court, 800's N Henson Garth (12145 Woodsyde Court) 4th Election District - 3rd Councilmanic Petitioner(s): Jeffrey S. Fram, et ux HEARING SCHEDULED: WEDNESDAY, JULY 20, 1888 at 2:00 p.m.

Dear Mr. & Ars. Frams

Please be advised that 90.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before \_\_vour\_bearing is scheduled to begin

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

n and post set(s), there e for each set not

1-01-615-000

B C14 \*\*\* 1500: 8 205 879-23-1

Dennis F. Rasmussen
County Executive

SUBJECT Zoning Petitions #89-4-A, 89-5-A, 89-14-A, 89-15-A, 89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A, 89-27-A, 89-28-A, 89-29-A, and 89-34-A

There are no comprehensive planning factors requiring comment on these petitions.

BACMORE COUNTY, MARY ND

INTER-OFFICE CORRESPONDENCE

Office of Planning and Zoning

Date June 20, 1988

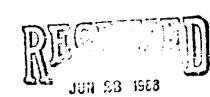
cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

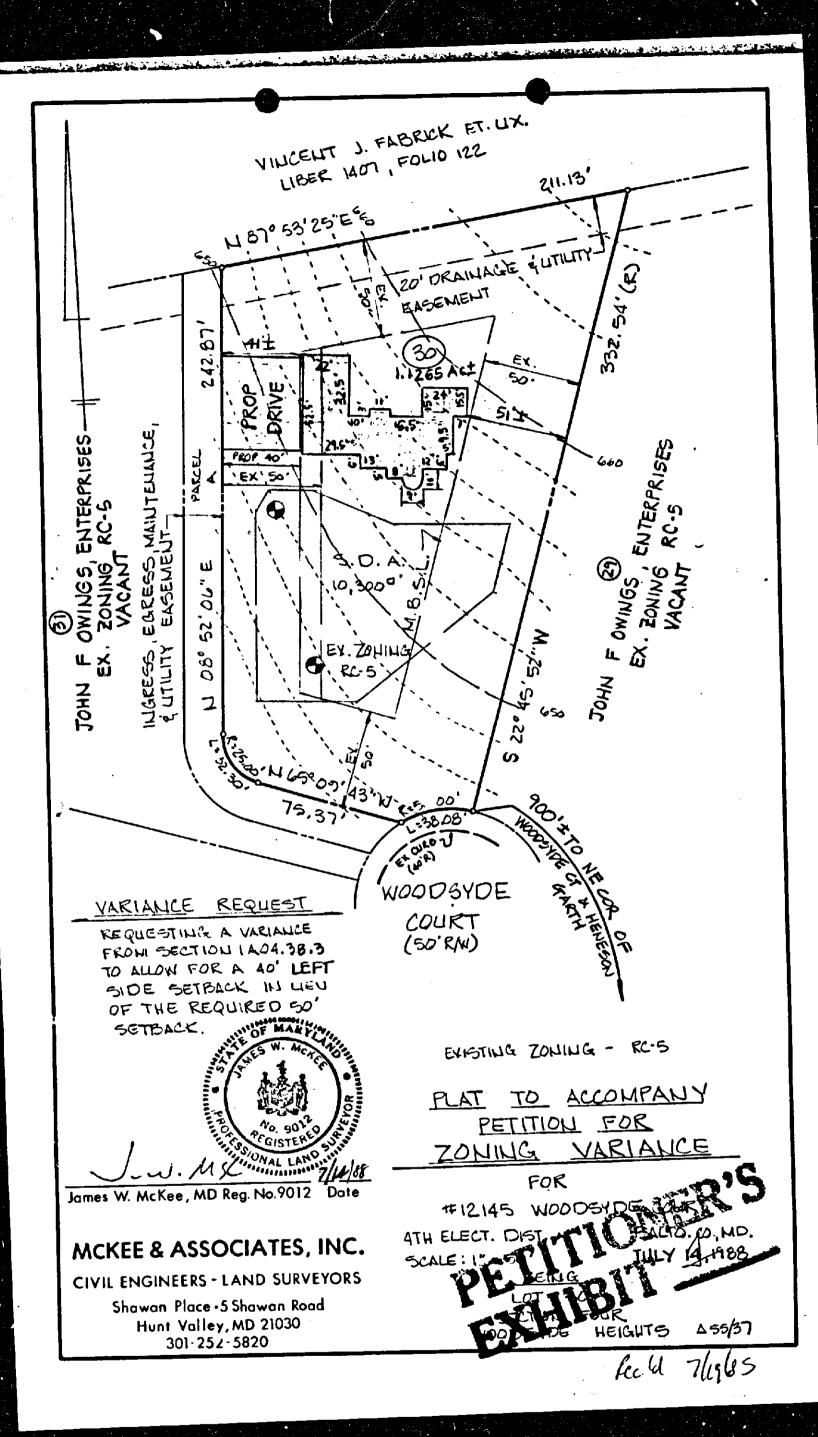
TO\_\_\_\_\_J. Robert Haines

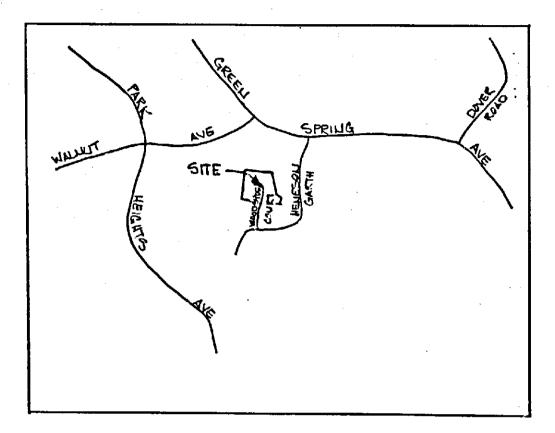
Zoning Commissioner

FROM P. David Fields, Director
Office of Planning and Zoning

cc: Mr. & Mrs. Jeffrey S. Fram







SCALE: 1"= 2,000"

#406

89-23-A

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Marriand

District Hth.	Date of Posting June 29-68
Posted for: Variance	
Petitioner: Juffrey & Fram	itux
Posted for:  Petitioner: Juffrey & Fram  Location of property: NE side of Word  Venson Yarth	degde Court , 900 - N of
Location of Signs: NE Siele of M of suffert Let # 30	ood syde Court in front
Remarks: POSTED & NOTIME - ON VI	LY 21-88 FOR NEW HEITING OF AUGUST
	1421-88 FOR NEW HENING OF AUGUST  Date of return: Quely 1-58 9 AM
Number of Signs:	

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 20, 1988



Mr. & Mrs. Jeffrey S. Fram 3105 Old Post Drive Baltimore, Maryland 21208

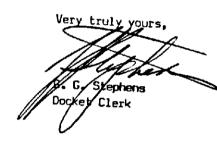
Re: <u>Retition for Zoning Variance</u> Case Number: 89-23-A

Dear Mr. & Mrs. Fram:

This letter is to confirm the following:

- 1. Hearing of the above matter has been continued to August 9, 1988 at 9:00 a.m.
- There is a \$35.00 filing fee for the Amended Petition.
- 3. There is a \$15.00 re-posting fee.
- This office requires two separate checks, however, each is to be made payable to Saltimore County, Maryland.
- Please do not mail the checks. Bring them in on the date of the hearing.

If you have any questions, please call Zoning Information at 494-3391.



101AL \$40.00

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zorung Variance
Case Number: 89-23-X
NE/S Woodsyde Court, 900' ± N
Henson Garth
(12145 Woodsyde Court)
4th Election District
3rd Councilment District
Petitioner(s): Jeffrey S. Fram, et

Hearing Date: Wednesday,
July 20, 1988 at 2:00 p.m.:
Variance to allow for a 40 foot right
side setback in lieu of the required 50
feet and to amend the final development plan of Woodsyde Heights,
Section Four, Lot 30, to allow con-

velope.
In the event that this Petition is

in the event that this retition is granted, a building permit may be insued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the insumnor of said permit during this period of good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on

OWINGS MILLS TIMES,

5. Zehe Orlon

37.50